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IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

Writ Petition No. 7698 of 2014
with
Civil Application No. 1103 of 2017

Mrs. Satyabhama Ashok Vetel ... Petitioners
Versus
The State Of Maharashtra And Ors ... Respondents

with
Writ Petition No. 5545 of 2013

Maruti Anna Nalawadi & Ors. ... Petitioners
Versus
Secretary,
Forest & Revenue Department & Ors. ... Respondents

Mr. C. R. Dube-Patil i/b Jay & Co., for the Petitioners.

Mr. B. V. Samant, AGP for the Respondent No. 1 to 9 in WP
7698/2014 and for Respondent Nos. 36 & 37 in WP. 5545/2013.

Mr. S. M. Gorwadkar, Sr. counsel a/w Sanjay Gangal, for Respondent
No. 12 in WP 7698/2014 and for Respondent No. 18 in WP.
5545/2013.

Mr. B. S. Phad, for Respondent Nos. 10 & 11 in WP. 7698/2014 and
for Respondent Nos. 15 and 16 in WP. 5545/2013.

Mrs. A. R. S. Baxi, for Respondent No. 13 in WP. 5545/2013.

CORAM : B. R. GAVAI, &
RIYAZ I. CHAGLA, JJ.

DATE : JULY 20, 2017

PC.

1. Perusal of the petitions would reveal that dispute is clearly between a member of the Society on one hand and the Co-operative Society on the other hand. We therefore, find that the dispute is squarely covered under Section 91 of the Maharashtra Co-operative Societies Act. The Petitioners can very well avail the said remedy. We therefore, reject both the petitions, relegating the Petitioners to take recourse to an alternate remedy available to them in law. However, it is clarified that since the Petitioners were under the erroneous legal advice prosecuting the present proceedings, they are entitled to get benefit under Section 14 of the Limitation, if they chose to file appropriate proceedings. Both the petitions are accordingly disposed of in the aforesaid terms.

2. In view of disposal of Writ Petition No. 7698 of 2014, Civil Application No. 1103 of 2017 filed therein does not survive and is accordingly disposed of.

Sd/-
[RIYAZ I. CHAGLA, J.]

Sd/-
[B. R. GAVAI, J.]

Vinayak Halemath